

**REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION**

~ APPEALS ~

Friday, January 28, 2022
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Jordan Russell, Commissioner Megan Tilly, and Commissioner Scott Biggs.

Staff present to support the Commission: Alexander Watkins, WCC; and Lindsey Christopher, WCC.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Russell stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDERCommission's Chair, Chairman Russell

Call to order 9:00 a.m. by Chairman Russell, Commission's Chair.

ROLL CALLPresiding Appellate Officer, Commissioner Tilly

After the roll call was taken, Commissioner Tilly announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Regular Appeals Meeting of January 14, 2022, were considered for approval.

Motion: Commissioner Tilly made a motion to approve the Regular Appeals Meeting of January 14, 2022, minutes.

Second: Commissioner Biggs

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

1. Kevin Cantwell v. Flex N Gate Oklahoma LLC (OWN RISK #19362), File #CM3-2015-08173H

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Bob Burke is the attorney of record for the Claimant and Steven E. Hanna is the attorney of record for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Chairman Russell

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

2. Zachary Stallcup v. Mountain Investments LLC and New Hampshire Insurance Co., File #CM3-2019-04253R

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. John R. Colbert appeared for the Claimant and J. Nick Crews appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to remand the Administrative Law Judge's order and instructed the Appellate Counsel or other staff member to draft a proposed order with finding of facts and conclusions of law, to be considered for continued action at a further meeting.

Second: Commissioner Biggs

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER REMANDED

3. Larry Newville v. Lereve Energy Services LLC and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2019-06487Y

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Joe Farnan appeared for the Claimant and Warren E. Mouledoux III appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to take this case under advisement.

Second: Commissioner Biggs

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

4. Ray McGlocklin v. Jernigan's Sporting Goods Inc., File #CM3-2020-01803F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert appeared for the Claimant and Timothy E. Lurtz appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

Second: Chairman Russell

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

5. Alfred Martin Jr. v. Martin Marietta Materials Inc. and Indemnity Insurance Co. of North America, File #CM3-2020-03166R

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Brandon J. Burton is the attorney of record for the Claimant and John A. McCaleb is the attorney of record for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Chairman Russell

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

6. Shari Tyson v. Muskogee Nursing Center, Liberty Mutual Insurance Co., and Liberty Insurance Corp., File #CM3-2018-05336Y

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Claimant will be representing herself pro se. Leah P. Keele and Bert M. Kendrick are the attorneys of record for the Respondent.

STRICKEN

7. Jamison Wofford v. City of Tulsa (OWN RISK #10435), File #CM3-2020-04313H

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams appeared for the Claimant and Jordan S. Ensley appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Chairman Russell

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

8. **Randall Blunk v. Atwoods and Zurich American Insurance Co., File #CM3-2020-06455R**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. William R. Emig appeared for the Claimant and Timothy E. Lurtz appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Biggs

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

C. **Commission Consideration of Adoption of Final Orders in the Following Cases:**

1. **J. Asuncion Abonza v. Exterran Holdings Inc. and American Zurich Insurance Co., File #CM2015-08100F/CM2016-03867H**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Bret A. Unterschuetz appeared for the Claimant. Michael Fagan and Taylor K. Weder appeared for the Respondent.

This case came on for Oral Argument on July 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Biggs moved continue this order to the next appeals meeting.

Second: Commissioner Tilly

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ORDER CONTINUED

2. **Earl Appleberry v. Western Flyer Express LLC and United States Fire Insurance Co., File #CM3-2019-07029Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Timothy Kent appeared for the Claimant and Travis A. Fulkerson appeared for the Respondent.

This case came on for Oral Argument on November 19, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Biggs moved continue this order to the next appeals meeting.

Second: Commissioner Tilly

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ORDER CONTINUED

3. **Fernando Colunga v. Greenleaf Nursery Co. Inc. and Great American Insurance Co., File #CM3-2015-01300K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green appeared for the Claimant and Lindsey Grisamer appeared for the Respondent.

This case came on for Oral Argument on December 17, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Biggs moved continue this order to the next appeals meeting.

Second: Commissioner Tilly

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ORDER CONTINUED

4. **John Rosson v. Roundtree Automotive Group LLC and State National Insurance Co., File #CM3-2019-03668K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green appeared for the Claimant. Blake Farris appeared for the Respondent.

This case came on for Oral Argument on December 17, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Biggs moved continue this order to the next appeals meeting.

Second: Commissioner Tilly

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ORDER CONTINUED

5. **Michelle Morton v. Wal Mart Stores Inc. and Wal Mart Associates Inc. (OWN RISK), File #CM3-2019-07945F**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrell Paul appeared for the Claimant and Jordan S. Ensley appeared for the Respondent.

This case came on for Oral Argument on December 17, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Biggs moved continue this order to the next appeals meeting.

Second: Commissioner Tilly

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ORDER CONTINUED

6. **Larry Newville v. Lereve Energy Services LLC and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2019-06487Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Joe Farnan appeared for the Claimant and Warren E. Mouledoux III appeared for the Respondent.

This case came on for Oral Argument on January 28, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Biggs moved continue this order to the next appeals meeting.

Second: Commissioner Tilly

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ORDER CONTINUED

7. **Ray McGlocklin v. Jernigan's Sporting Goods Inc., File #CM3-2020-01803F**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert appeared for the Claimant and Timothy E. Lurtz appeared for the Respondent.

This case came on for Oral Argument on January 28, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Biggs moved continue this order to the next appeals meeting.

Second: Commissioner Tilly

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ORDER CONTINUED

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 2:44 p.m.

Second: Commissioner Biggs.

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.